

RANKIN & BAKER

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NOV 09 2005

PUBLIC SERVICE
COMMISSION

Fax

To: Linda Mattox
Kentucky Public
Service Commission

From : Robert R. Baker

Fax: 502-564-3460

Pages: , including cover sheet

CC:

Date: 11/9/2005

Re: Case no. 2005-00423

Noe & Barnett, d/b/a B & D v. KU Company

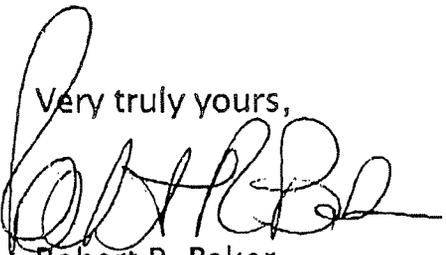
My file no. 9198

Urgent For Review Please Comment Please Reply

● Comments

Dear Ms. Mattox,

Please find a fax copy of the Amended Complaint that I have today put in an overnight mailer to you. I have also served a copy upon Kentucky Utilities at the address in Louisville.

Very truly yours,

Robert R. Baker

CONFIDENTIAL

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NOV 09 2005

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
CASE NO. 2005-00423

BEFORE THE PUBLIC SERVICE COMMISSION IN THE MATTER OF:

ROBERT H. NOE AND DAN L. BARNETT,
D/B/A B & D RENTALS

COMPLAINANT

VS.

AMENDEND COMPLAINT

KENTUCKY UTILITIES COMPANY
P.O. BOX 32010
LOUISVILLE, KENTUCKY 40232

DEFENDANT

Come the complainants, Robert H. Noe and Dan L. Barnett, d/b/a B & D Rentals, hereinafter referenced as B & D Rentals, and for their Complaint before the Public Service Commission does hereby state as follows:

1. Robert H. Noe and Dan L. Barnett, d/b/a B & D Rentals, are individuals who reside in Lincoln County, Kentucky and own real property in Garrard County, Kentucky.
2. Kentucky Utilities is the electrical utility provider for the real property owned by the complainants, B & D, in Lancaster, Garrard County, Kentucky.
3. That B & D Rentals owns a duplex located at 16 Pleasant View Drive, Lancaster, Kentucky which had previously been rented to a Dustin Harden and Sarah Beth Hocker, but was vacated in June 2005 by said tenants.
4. That at some time thereafter, Kentucky Utilities terminated the electrical service to said unit for nonpayment of utilities by Harden and Hocker to said unit.
5. That on or about June 20, 2005, Kentucky Utilities removed the electrical service meter out of the unit and at that time the meter base was not damaged.
6. That on or about June 27, 2005, the unit was inspected by Kentucky Utilities and there was no damage to the meter unit.

7. That on or about September 15, 2005, B & D Rentals rented said unit to a prospective tenant. That said prospective tenant had requested from Kentucky Utilities and was advised that electrical service would be available by the time she moved in on October 1, 2005.

8. That upon arrival, the tenant was advised by Kentucky Utilities that the meter based had been tampered with at some time and that utility service would not be hooked up until such time as a tampering fee in the sum of \$77.70 was paid.

9. That the tampering or damage was neither done by the tenant nor by B & D Rentals and there is no claim by Kentucky Utilities that either had done any damage to the unit.

10. B & D Rentals paid the \$77.70 under protest and now seeks refund of the \$77.70 as there is no liability upon B & D Rentals for the damage, as they did not damage the property.

11. That the tariff policy relied upon by Kentucky Utilities is void as against public policy.

12. That Kentucky Utilities has failed to follow the tariff requirement to determine the responsible party and to seek payment where the meter was disconnected for nonpayment.

13. WHEREFORE, Complainants Robert H. Noe and Dan L. Barnett, by counsel, respectfully request the Public Service Commission for orders directing Kentucky Utilities to refund the \$77.70 paid under protest and to find that the tariff relied upon by Kentucky Utilities is void as against public policy insofar as responsibility for damage

can be placed upon the owner of the real estate without showing that the owner in some manner was involved in the damage.

14. For any and all proper relief to which the complainants may appear entitled.



ROBERT R. BAKER
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CERTIFICATE

I certify that the original of the foregoing Amended Complaint was mailed to the Public Service Commission, P.O. Box 615, Frankfort, Kentucky 40602-0615 and a copy to Michael S. Beer, Vice President, Rates and Regulatory, Kentucky Utilities Company, c/o Louisville Gas and Electric Company, P.O. Box 32010, Louisville, KY 40232-2010 this 9 day of November, 2005.



ROBERT R. BAKER
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